

REMARKS

Claims 1-49 were pending in the application. Claims 50-91 have been previously withdrawn. Claims 1-49 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent No. 6,512,927. Claims 1-49 were rejected under 35 U.S.C. §102(e) as being anticipated by Rappaport et al. By this amendment, claims 2-27 and 29-49 have been canceled, claims 1 and 28 have been amended, and new claims 92-97 have been added. Reconsideration and reexamination of the application in view of the amendments, new claims and following remarks is respectfully requested.

Claims 1-49 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent No. 6,512,927. A terminal disclaimer is being filed concurrently herewith.

Claims 1-49 were rejected under 35 U.S.C. §102(e) as being anticipated by Rappaport et al. Claims 2-27 and 29-49 have been canceled, rendering the rejection moot with respect to those claims. Claims 1 and 28 have been amended, and now include the limitation that a rescue attempt for a potentially failing connection is allowed only if a certain time period has elapsed since the last successful rescue of the connection. With the amendments to claims 1 and 28, it is respectfully submitted that the rejection of claims 1 and 28 has been overcome.

Rappaport completely fails to disclose that a rescue attempt for a potentially failing connection is allowed only if a certain time period has elapsed since the last successful rescue of the connection. Rappaport only discloses that the mobile terminal will attempt to reconnect by successive reconnection requests that are made at random time intervals when the physical connection between a mobile terminal and the network fails (see col. 8 lines 47-52), and even teaches away from the above-described limitation by disclosing that a random time is generated for the next retry attempt epoch after each failed reconnection attempt.

Because Rappaport does not disclose all of the limitations of amended claims 1 and 28, the rejection of those claims under 35 U.S.C. §102(e) as being anticipated by Rappaport has been overcome.

It should be noted that new claims 92-97 also contain the limitation that a rescue attempt for a potentially failing connection is allowed only if a certain time period has elapsed since the last successful rescue of the connection, and therefore, as with claims 1 and 28, claims 92-97 are also allowable over Rappaport.


In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5752 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 440402000300.

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Respectfully submitted,

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Enclosure: Terminal Disclaimer